

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RONALD D. KAISEN,
Plaintiff,

v.

TD BANK, N.A.,
Defendant.

CIVIL ACTION

NO. 18-5504

ORDER

AND NOW, this 11th day of February, 2019, upon consideration of Defendant's Motion to Dismiss and briefing in support thereof (ECF Nos. 6, 15), and Plaintiff's opposition thereto (ECF No. 12), it is hereby **ORDERED** that Defendant's Motion is **GRANTED IN PART AND DENIED IN PART**, as follows:

- Defendant's Motion to Dismiss Count One is **GRANTED**. Count One is **DISMISSED WITH PREJUDICE**.
- Defendant's Motion to Dismiss Count Two is **DENIED**.
- Defendant's Motion to Dismiss Count Three is **GRANTED**. Count Three is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that, upon consideration of Defendant's Motion to Strike and briefing in support thereof (ECF Nos. 7, 14), and Plaintiff's opposition thereto (ECF No. 11), Defendant's Motion is **DENIED**.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.